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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,388	09/29/2005	Jorma Kullervo Romunen	P08772US00/RFH	3318
881 7590 02/24/2009 STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314				
EXAMINER RUTLAND WALLIS, MICHAEL				
ART UNIT 2836		PAPER NUMBER		
MAIL DATE 02/24/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/551,388

Applicant(s)

ROMUNEN, JORMA KULLERVO

Examiner

MICHAEL RUTLAND WALLIS

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2009.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 8,9,12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8,9,12 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/23/09 has been entered.

### *Response to Arguments*

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

In view of Applicant's amendments the drawing objections and 112 rejections have been withdrawn.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (AAPA) in view of Brown et al. (U.S. Pat. No. 7,088,972)

With respect to claim 8-9 and 12 AAPA teaches a transmitter apparatus for sending a data transmission signal to an electrical network (Fig. 1), wherein the transmitter apparatus comprises signal-shaping (40) and adjustment devices and connecting devices (50) including accessories for connection to the electrical network for connection to an outlet, including a signal amplifier (20) a connecting cable (line) and connecting device between the transmitter apparatus and a connecting point (A) of the electrical network. AAPA does not teach the transmitter divided into a first and second part. Brown teaches the use of a transmitter (item 10) divided or distributed into at least a first (item 14) and second parts (item 16). Brown further teaches said second part (16) including at least the signal amplifier (48 or 50) and a connecting unit (connection to DC power at item 18, see col. 8 lines 54-64) for connection to the electrical network (DC power supply network) and the connecting cable connecting said second part at least near to phase and zero rails (rails associated with supply of DC supply) outlet (item 22) of the electrical network; and wherein the length of the connecting cable is under 5 m (see for example end to end distribution being less than 5m and 1m, col. 3 lines 45-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify AAPA include the teachings of Brown to divide the transmitter in to first and

second parts as seen in Brown in order increase the modularity and provide greater flexibility in form and function (col. 8 lines 25-40).

Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (AAPA) in view of Brown et al. (U.S. Pat. No. 7,088,972) further in view of Carson et al. (U.S. Pat. No. 7,007,305) Brown teaches the connection to DC rail and outlet, however does not teach the connecting cable can be connected to another connection point of a network cable or 3 phase rail/outlet. Carson teaches the use of a PLC system and transmitter (50 and 60) which can be connected to 3 phase rails (col. 6 lines 10-20) at another connection point of a network cable. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify further APPA to connect to a 3 phase network or another point in a network in order to allow the communication of data in an AC environment or structure at a point other than an the outlet.

#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Rutland-Wallis whose telephone number is 571-272-5921. The examiner can normally be reached on Monday-Thursday 7:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Elms can be reached on 571-272-1869. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michael Rutland-Wallis/  
Examiner, Art Unit 2836